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IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION

IN RE:
Randy Lee Owens

§
§ CASE NO. 05-71231-HDH-13
§
§
§

DEBTOR

DEBTOR'S OBJECTION TO ALLOWANCE OF CLAIM
OF EMC Mortgage Corp (Claim #10)

Comes now Debtor in the above-entitled cause and file this Objection to the Claim filed in this matter by EMC Mortgage Corp and would respectfully show the Court as follows:

1. EMC Mortgage Corp has filed a purported secured Proof of Claim (Claim #10) for \$17,967.30.
2. Claimant did not attach sufficient and/or legible documents to evidence a perfected lien or security interest in property of Debtors' estate as required by Bankruptcy Rule 3001(d).
3. Claim should be allowed as unsecured only.

WHEREFORE, PREMISES CONSIDERED, Debtor prays that the claim of EMC Mortgage Corp (Claim #10) is disallowed as secured, allowed as unsecured and for additional or alternative relief as may be just and proper.

Respectfully submitted,

/s/Monte J. White
Attorney for Debtor(s)

IMPORTANT NOTICE

PURSUANT TO LOCAL BANKRUPTCY RULE 9007, YOU ARE HEREBY NOTIFIED THAT NO HEARING WILL BE CONDUCTED HEREON UNLESS A WRITTEN RESPONSE IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT ON OR BEFORE THIRTY (30) DAYS FROM THE DATE OF SERVICE HEREOF.

ANY RESPONSE MUST BE FILED WITH THE CLERK, AND A COPY MUST BE SERVED UPON COUNSEL FOR THE MOVING PARTY PRIOR TO THE DATE AND TIME SET FORTH HEREIN. IF A RESPONSE IS FILED A HEARING WILL BE HELD WITH NOTICE TO (1) THE DEBTOR AND DEBTOR'S ATTORNEY; (2) THE OFFICE OF THE U.S. TRUSTEE; (3) ANY TRUSTEE AND THE TRUSTEE'S ATTORNEY; (4) THE MEMBERS OF ANY OFFICIAL COMMITTEE, OR THE

ATTORNEY FOR ANY OFFICIAL COMMITTEE IF AN ATTORNEY HAS BEEN EMPLOYED; OR, IF THERE IS NO COMMITTEE, THE TWENTY (20) LARGEST UNSECURED CREDITORS; (5) ANY PARTY REQUESTING NOTICE; (6) ANY PARTY NAMED ON A COURT-APPROVED ALTERNATIVE SERVICE LIST; (7) THE RESPONDING PARTIES; AND (8) ANY OTHER AFFECTED ENTITY.

IF NO HEARING ON SUCH NOTICE OR MOTION INITIATING A CONTESTED MATTER IS TIMELY REQUESTED, THE RELIEF REQUESTED SHALL BE DEEMED TO BE UNOPPOSED, AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT OR THE NOTICED ACTION MAY BE TAKEN.

CERTIFICATE OF SERVICE

The undersigned hereby certified that on 12/21/2006, a true and correct copy of the foregoing was served on the following parties in interest:

CHAPTER 13 TRUSTEE

Mr. Walter O'Cheskey
6308 Iola
Lubbock, TX 79424

DEBTOR

Randy Lee Owens
4221 Faith Rd
Wichita Falls, TX 76308

U.S. TRUSTEE

William T. Neary
1100 Commerce, Rm. 9C60
Dallas, Texas 75242

CREDITOR

EMC Mortgage Corp
Attn: Bankruptcy
909 Hidden Ridge Suite 200
Irving, TX 75038
6911217237

/s/Monte J. White

Attorney for Debtor(s)